IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL No. 359 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 02/02/2005 in WP No. 1315 OF 2005 on the file of the High Court.)

Between:

P. Kailashnath Reddy, S/o. Sri Ramachandra Reddy,
R/o. 8-2-604, Raod No. 10, Banjara Hills, Hyderabad.

..... APPELLANT

AND

1. Andhra Bank, M.G.Road, Secunderabad.
2. The Recovery Officer, Debts Recovery Tribunal, 5th Floor, Triveni Complex, Abids, Hyderabad.
3. The Presiding Officer, Debts Recovery Tribunal 5th Floor, Triveni Complex, Abids, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant: Mrs.S.NANDA

Counsel for Respondent No.1: MR.NUTY RAM MOHAN RAO

Counsel for Respondent Nos. 2&3: Ms.P.Sarada,

Addl. Central Govt. Standing Counsel.

The Court made the following :

ORAL JUDGMENT:

(per Honourable Sri Devinder Gupta, the Chief Justice)

When the property of the petitioner-appellant was sought to be sold by the Recovery Officer, Debts Recovery Tribunal, Hyderabad, writ petition was filed to declare the action of the 2nd and 3rd respondents as illegal and arbitrary. The learned Single Judge dismissed the writ petition.

There is no dispute that there is an order passed in a petition filed by the Bank against the debtors and guarantors for recovery of the amount, and, pursuant to the said order, certificate for recovery was issued. Now, the Recovery Officer has started proceedings to recover the amount by sale of the property. Appellant being one of the parties to the proceedings in O.A. before the Debts Recovery Tribunal and whose property is now sought to be sold, has to work out his remedies strictly in accordance with the provisions of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 and the rules framed there under. Filing of writ petition is totally misconceived. In case, petitioner-appellant feels that property is not liable to be attached, then there is a procedure prescribed under the relevant rules to raise objections, and, in case, objections are not considered to file appropriate appeal against the same. Rightly, learned Single Judge dismissed the writ petition. There is no force in the appeal, which is also dismissed. No costs.

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DEVINDER GUPTA, C.J.

10.3.2005 _____

B.SESHASAYANA REDDY, J.

VR.

To

1. The Andhra Bank, M.G.Road, Secunderabad.
2. The Recovery Officer, Debts Recovery Tribunal, 5th Floor, Triveni Complex, Abids, Hyderabad.
3. The Presiding Officer, Debts Recovery Tribunal 5th Floor, Triveni Complex, Abids, Hyderabad.

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